

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

CHARLIE JAVICE,

*Defendant.*

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**Affirmation in Support of  
Application for Order of Continuance**

**23 Mag. 2368**

State of New York )  
County of New York : ss.:  
Southern District of New York )

Dina McLeod, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The defendant was charged in a complaint dated March 31, 2023 with violations of Title 18 U.S.C. §§ 1349 (Conspiracy to Commit Wire and Bank Fraud), Sections 1343 and 2 (Wire Fraud), Sections 1344 and 2 (Bank Fraud), Title 15 U.S.C. §§ 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Securities Fraud).

3. Defendant Charlie Javice was presented before the Honorable Barbara Moses on April 4, 2023. On the same day, the defendant was released on bail conditions.

4. At the initial presentment, the indictment deadline was set as April 25, 2023. Based on a subsequent waiver to the thirtieth day by defense counsel, the current indictment deadline is May 3, 2023. Pursuant to 18 U.S.C. § 3161(b), any information or indictment charging an individual

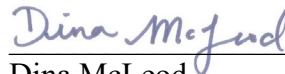
with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. Accordingly, under the Speedy Trial Act the Government initially had until May 3, 2023 within which to file an indictment or information.

5. JP Kernisan, Esq. counsel for Javice, and the Government, have had discussions regarding a possible disposition of this case. The negotiations have not been completed and defense counsel and the Government plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on May 3, 2023.

5. Therefore, the Government is requesting a 30-day continuance until June 2, 2023, to continue the foregoing discussions and reach a disposition of this matter. On April 21, 2023, I personally communicated with JP Kernisan, Esq., who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York  
May 3, 2023

  
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Dina McLeod  
Assistant United States Attorney  
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